

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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|--|---|----------------------------------|
| STEVEN BROOKS, DAVID CHAVEZ, and |) | |
| 1540 N. MILWAUKEE LLC d/b/a DSTRKT |) | |
| BAR & GRILL, and on behalf of all others |) | |
| similarly situated, |) | |
| Plaintiffs, |) | |
| |) | Case No. 1:20-cv-04555 |
| v. |) | |
| |) | Honorable Sharon Johnson Coleman |
| COMMONWEALTH EDISON COMPANY |) | |
| d/b/a ComEd and EXELON |) | |
| CORPORATION, |) | |
| |) | |
| Defendants. | | |

**AGREED MOTION FOR EXTENSION OF TIME TO ANSWER, MOVE OR
OTHERWISE PLEAD TO AMENDED COMPLAINT**

Defendants Commonwealth Edison Company (“ComEd”) and Exelon Corporation (“Exelon”), by and through their attorneys move for an extension of time until October 1, 2020 to answer, move or otherwise plead to plaintiffs’ First Amended Class Action Complaint (the “Amended Complaint”) filed on August 27, 2020 (Dkt. 17). Counsel for plaintiffs have confirmed they agree to the requested extension. In support of the agreed motion, counsel for ComEd and Exelon state as follows:

1. Plaintiffs filed their initial complaint in this action on August 3, 2020 (Dkt. 1). On August 13, 2020, before a waiver of service under Fed. R. Civ. Proc. 4(d) was executed in this matter, plaintiffs effected service of the initial complaint on ComEd and Exelon. Plaintiffs filed a return of service on August 19, 2020 (Dkt. 15 & 16).

2. On August 27, 2020, before a responsive pleading was due to the initial complaint, plaintiffs filed the Amended Complaint (Dkt. 17). After the Amended Complaint was filed, counsel for ComEd and Exelon conferred with counsel for plaintiffs regarding service.

Counsel for ComEd and Exelon agreed to accept service of the Amended Complaint by email, with the understanding that plaintiffs would agree to extend the date to answer, move or otherwise plead to October 1, 2020. In the absence of the agreed extension, a response would be due by September 10, 2020.¹

3. No party will be prejudiced by granting the agreed upon extension to October 1, 2020.

WHEREFORE, for the reasons stated herein, defendants ComEd and Exelon request this Court enter an Order extending the time to October 1, 2020 for ComEd and Exelon to answer, move or otherwise plead to the Amended Complaint.

Dated: September 9, 2020

Respectfully submitted,

/s/ Terrence J. Truax

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*Counsel for Defendants Commonwealth
Edison Company and Exelon Corporation*

¹ A separate group of plaintiffs earlier filed a complaint in a related action against ComEd that is now pending before Judge Alonso. *See Gress, et al v. ComEd et al*, 20CV4405. A response to that earlier filed complaint in *Gress* is due October 1, 2020. On September 2, 2020, plaintiffs in *Gress* filed a motion with the Court presiding over the *Gress* matter requesting the Court to deem this action (20CV4555) related to *Gress* and to have it reassigned. *See* 20CV4405 (Dkt. 22). That motion is pending before Judge Alonso, who has set a status in the *Gress* action for October 6, 2020.

CERTIFICATE OF SERVICE

I, Terrence J. Truax, an attorney, certify that I caused copies of the foregoing **AGREED MOTION FOR EXTENSION OF TIME TO ANSWER, MOVE OR OTHERWISE PLEAD TO AMENDED COMPLAINT** to be served on all counsel of record via the Court's electronic filing system.

/s/ Terrence J. Truax
*Counsel for Defendant Commonwealth Edison
Company and Exelon Corporation*